

REMARKS/ARGUMENTS

The process claims 39-45 have been amended so as to be directed to the preparation of crystalline moxifloxacin hydrochloride form A. This is consistent with the amendments made to the compound claims which are now directed to crystalline moxifloxacin hydrochloride form A. New claims 89-94 are directed to preferred features which appeared in the original dependent claims on which they depend. No new matter is entered.

Rejoinder of the process claims 39-46 as now believed to be in order. Such action is respectfully requested.

Favorable action in light of the Amendment filed July 6, 2009 and the present Supplemental Amendment are respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Leonard C. Mitchard/
Leonard C. Mitchard
Reg. No. 29,009

LCM:lff
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100